

**CAYMAN ISLANDS**



# **MUSIC AND DANCING (CONTROL) (AMENDMENT) BILL, 2022**

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**A BILL FOR AN ACT TO AMEND THE MUSIC AND DANCING (CONTROL) ACT (2019 REVISION) TO CHANGE THE PRESCRIBED CONDITIONS TO BE OBSERVED IN RELATION TO DANCING AND THE PLAYING OF MUSIC AT CERTAIN PREMISES ON SPECIFIED DAYS; TO PERMIT DANCING AND THE PLAYING OF MUSIC AT STAND-ALONE RETAIL BARS AND ON SEA-GOING VESSELS ON SUNDAY, SUBJECT TO PRESCRIBED CONDITIONS; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

## PUBLISHING DETAILS

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**Sponsoring Ministry/Portfolio:** Ministry of Financial Services and Commerce (FSC)



## Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Music and Dancing (Control) Act (2019 Revision) (the “principal Act”) to change the prescribed conditions to be observed in relation to dancing and the playing of music at certain premises on specified days, to permit dancing and the playing of music at stand-alone retail bars and on sea-going vessels on Sunday, subject to prescribed conditions, and to provide for incidental and connected purposes.

The Bill seeks to balance commercial opportunities available to local businesses with those in proximity to those businesses not being unduly disturbed or the music creating a nuisance.

Clause 1 provides the short title of the legislation.

Clause 2 amends section 2 of the principal Act by providing for, among other things, the definitions of the words “bar”, “sea-going vessel” and “stand-alone retail bar”.

Clause 3 amends section 3(2) of the principal Act by changing the requirements applicable to certain premises, including hotels and restaurants, being premises subject to the principal Act, in relation to dancing and the playing of music on Christmas Day, Good Friday and Sunday. The requirements being introduced are that —

- (a) the music is to be of a low background nature and is not capable of being heard outside of the premises on which it is played; and
- (b) the music is to be played between 9:00 a.m. and 11:59 p.m.

This clause also introduces proposed subsections (2A) and (2B) in section 3 of the principal Act.

The proposed subsection (2A) provides that dancing may be permitted and music may be played at stand-alone retail bars on Sunday if —

- (a) the music is of a low background nature and is not capable of being heard outside of the premises on which it is played; and
- (b) the music is played between 11:00 a.m. and 11:59 p.m.

The proposed subsection (2B) provides that dancing may be permitted and music may be played on certain sea-going vessels on Sunday if —

- (a) the vessel is further than half a mile from any land; and
- (b) the music is played between 11:00 a.m. and 11:59 p.m.

Clause 4 provides for a consequential amendment to the principal Act by repealing section 14 and substituting a new section 14 which removes the reference to regulations prescribing noise levels and noise measurement devices to measure noise in decibels.





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**Arrangement of Clauses**

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ENACTED by the Legislature of the Cayman Islands.

**Short title**

1. This Act may be cited as the Music and Dancing (Control) (Amendment) Act, 2022.

**Amendment of section 2 of the Music and Dancing (Control) Act (2019 Revision) - definitions**

2. The *Music and Dancing (Control) Act (2019 Revision)*, in this Act referred to as the “principal Act”, is amended in section 2 as follows —
- (a) by repealing the section heading and substituting the following section heading —

**“Interpretation”**; and

- (b) by inserting in the appropriate alphabetical sequence, the following definitions —

“ **“bar”** has the meaning assigned by section 2 of the *Liquor Licensing Act (2019 Revision)*;

**“Port Authority”** means the body corporate established by section 3 of the *Port Authority Act (1999 Revision)*;

**“sea-going vessel”** means a vessel —

- (a) approved by the Port Authority as being a suitable vessel for the purposes of section 7(7) of the *Liquor Licensing Act (2019 Revision)*; and

- (b) in respect of which a retail licence has been issued under section 7(7) of the *Liquor Licensing Act (2019 Revision)*; and

**“stand-alone retail bar”** means a bar which is not located in a hotel or restaurant, and in respect of which a retail licence has been issued under the *Liquor Licensing Act (2019 Revision)*.”

### **Amendment of section 3 - certain premises require to be licensed for music and dancing**

3. The principal Act is amended in section 3 as follows —

- (a) in subsection (2), by repealing paragraphs (a) and (b) and substituting the following paragraphs —

“(a) the music being played is of a low background nature and is not capable of being heard outside of the premises in which it is played; and

- (b) the time during which the music is played is between 9:00 a.m. and 11:59 p.m.”; and

- (b) by inserting after subsection (2) the following subsections —

“(2A) Notwithstanding subsection 1(c), music may be played or dancing permitted on Sunday at a stand-alone retail bar if the following conditions are observed —

- (a) the music being played is of a low background nature and is not capable of being heard outside of the premises in which it is played; and

- (b) the time during which the music is played is between 11:00 a.m. and 11:59 p.m.

(2B) Notwithstanding subsection 1(c), music may be played or dancing permitted on Sunday on a sea-going vessel if the following conditions are observed —





- (a) the music is not played while the sea-going vessel is at or within half a mile of any land; and
- (b) the time during which the music is played is between 11:00 a.m. and 11:59 p.m.”.

**Repeal and substitution of section 14 - regulations**

4. The principal Act is amended by repealing section 14 and substituting the following section —

**“Regulations**

- 14.** The Cabinet may make regulations for the purpose of the administration of this Act.”.

**Passed by the Parliament the       day of                                       , 2022.**

*Speaker*

*Clerk of the Parliament*

